

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GARY ENSEY,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-15-0652-HE
	)	
OKLAHOMA DEPARTMENT OF	)	
CORRECTIONS, <i>et al.</i> ,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Gary Ensey, a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2241 seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Gary M. Purcell, who has recommended that the action be transferred to the United States District Court for the Eastern District of Oklahoma.

Because district courts are limited to granting habeas relief “within their respective jurisdictions” by 28 U.S.C. § 2241(a), the magistrate judge states petitioner should have filed his § 2241 petition in the Eastern District of Oklahoma, the district where he is incarcerated. He notes that petitioner also should have named his warden as respondent, as required by 28 U.S.C. § 2242.

No party objected to the Report and Recommendation and they thereby waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. §636(b)(1)(C); LCvR72.1(a).


The court concurs with Magistrate Judge Purcell that the petition should be reviewed

by the United States District Court for the Eastern District of Oklahoma and that the interests of justice would be furthered by transferring the action to that judicial district. *See* 28 U.S.C. § 1631.

Accordingly, the court **ADOPTS** the magistrate judge's Report and Recommendation and **TRANSFERS** this case to the Eastern District of Oklahoma.

**IT IS SO ORDERED.**

Dated this 3rd day of August, 2015.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE